

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY
- v. -	:	ORDER OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
ROMANA LEYVA,	:	
	:	S3 19 Cr. 667 (PAC)
Defendant.	:	
-----X	:	

WHEREAS, on or about June 16, 2021, ROMANA LEYVA (the “Defendant”), was charged in a two-count Superseding Information, S3 19 Cr. 667 (PAC) (the “Information”), with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 371 (Count One); and conspiracy to intentionally damage a protected computer, in violation of Title 18, United States Code, Section 371 (Count Two);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, the Information included a second forfeiture allegation as to Count Two of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 1030(i), of any and all property, real or personal, constituting or derived from, any proceeds obtained directly or indirectly, as a result of the offense charged in Count Two of the

Information, and any and all personal property that was used or intended to be used to commit, or to facilitate the commission of the offense charged in Count Two of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count Two of the Information;

WHEREAS, on or about June 16, 2021, the Defendant pled guilty to Counts One and Two of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegations with respect to Counts One and Two of the Information and agreed to forfeit, to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information that the Defendant personally obtained; and pursuant to Title 18, United States Code, Section 1030(i), any and all property, real or personal, constituting or derived from, any proceeds obtained directly or indirectly, as a result of the offense charged in Count Two of the Information, and any and all personal property that was used or intended to be used to commit or to facilitate the commission of the offense charged in Count Two of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count Two of the Information that the Defendant personally obtained;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of **\$4,679,586.93** in United States currency representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Information that the Defendant personally

obtained for which the Defendant would be jointly and severally liable with any co-conspirators (“Co-Conspirators”) for the conduct charged in Counts One and Two of the Information, to the extent forfeiture money judgments are ultimately entered against the Co-Conspirators; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Two of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Michael D. Neff of counsel, and the Defendant, and her counsel, David K. Bertan, Esq. and Jacqueline E. Cistaro, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the Defendant pled guilty, a money judgment in the amount of **\$4,679,586.93** in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Information that the Defendant personally obtained, for which the Defendant would be jointly and severally liable with any co-conspirators (“Co-Conspirators”) for the conduct charged in Counts One and Two of the Information, to the extent forfeiture money judgments are ultimately entered against the Co-Conspirators, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, ROMANA LEYVA, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Customs and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Customs and Border Protection, or its designee the Office of Fines, Penalties, and Forfeiture shall be authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.


6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.


8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.


AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:  10/15/2021
MICHAEL D. NEFF DATE
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2107

ROMANA LEYVA

By:  1/13/2022
ROMANA LEYVA DATE

By:  1/13/2022
DAVID K. BERTAN, ESQ. DATE
JACQUELINE E. CISTARO, ESQ.
Attorneys for Defendant

SO ORDERED:

 1/21/2022
THE HONORABLE PAUL A. CROTTY DATE
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK